

The Office further states, "[C]laim 1 is found to be the generic claim drawn to a handle for assisting in the application of the article onto a wearer." The Office further states, "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable."

APPLICANT'S ELECTION WITH TRAVERSE

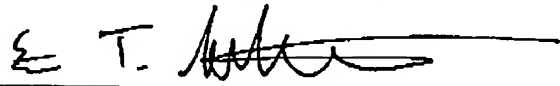
In order to be fully responsive, Applicant provisionally elects Species I, which includes Figures 2a-d and encompasses claims 1-6 and 21-22, for examination on the merits with traversal while holding Species II-V in abeyance pursuant to 37 CFR § 1.142(b) until final disposition of the elected claims. Applicant reserves the right to pursue each of the non-elected claims in one or more divisional applications.

Applicant respectfully traverses this restriction requirement. Applicant submits that the Examiner has not satisfied the requirements in rendering the restriction requirement. Section 803 of the Manual of Patent Examining Procedure states, "Examiners must provide reasons and/or examples to support conclusions." The Office states that "claim 1 is found to be generic." However, the Office provides no reason for this assertion. Without more, the Office's statement is conclusory. The Office provides no support for the assertion of a generic claim. As such, Applicant asserts that the restriction is without merit.

Applicant submits that the Office has failed to provide a requisite basis for the Restriction Requirement since there is no rationale provided for the restriction. As a result, the Restriction Requirement is improper and should be withdrawn.

Respectfully Submitted,

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